

JUL 24 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NO: 97-03408

COUNSEL: None

HEARING DESIRED: No

[REDACTED]

Applicant requests his general discharge be upgraded to honorable.
Applicant's submission is at Exhibit A.

The Air Force Discharge Review Board (AFDRB) denied applicant's request on 10 October 1997. In accordance with policy, the application was forwarded to this Board for further consideration (Exhibit C). The AFDRB Brief was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the AFDRB Brief appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Ms. Martha Maust, Mr. Robert W. Zook and Mr. Kenneth L. Reinertson considered this application on 23 July 1998 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


MARTHA MAUST
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. AFDRB Brief
- D. AFBCMR Ltr Forwarding Advisory Opinion

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (Last, First, Middle Initial) [REDACTED]				GRADE A1C		AFSN/SSN [REDACTED]	
TYPE OF CASE		PERSONAL HEARING		<input checked="" type="checkbox"/>		RECORD REVIEW	
COUNSEL YES NO <input type="checkbox"/> <input checked="" type="checkbox"/>		NAME OF COUNSEL AND OR ORGANIZATION				ADDRESS AND OR ORGANIZATION OF COUNSEL	
MEMBERS SITTING				VOTE OF THE BOARD			
				NON	GEN	MOTHC	OTHER
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
[REDACTED]							X
ISSUES 493.33		INDEX NUMBER A67.90		EXHIBITS SUBMITTED TO THE BOARD			
				1 ORDER APPOINTING THE BOARD			
				2 APPLICATION FOR REVIEW OF DISCHARGE			
				3 LETTER OF NOTIFICATION			
				4 BRIEF OF PERSONNEL FILE			
HEARING DATE 37 10 10		CASE NUMBER FD97-00334		COUNSEL'S RELEASE TO THE BOARD			
				ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE			
				TAPE RECORDING OF PERSONAL APPEARANCE HEARING			
APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED IN THE ATTACHED AFHQ FORM 8454.							
REMARKS Case heard at Washington, DC. Advise applicant of the decision of the Board, the right to a personal appearance with counsel and the right to submit an application to the AFBCMR.							
SIGNATURE OF [REDACTED] [REDACTED] A1C, USAF				SIGNATURE OF [REDACTED] [REDACTED]			
INDORSEMENT				DATE 97/10/22			
TO: SAF/MBR 550 C Street West, Suite 40 RANDOLPH AFB, TX 78150-4742				FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, 3E WING 3rd Floor ANDREWS AFB MD 20331-7002			
ADVISE THE APPLICANT, NEXT OF KIN, LEGAL GUARDIAN OR OTHER OF THE BOARD'S DECISION. SEE REMARKS SECTION FOR ADDITIONAL INSTRUCTIONS.							

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The Board **finds** that neither evidence of record nor that provided by the applicant substantiates an inequity or impropriety which would **justify** a change of discharge.

The applicant's issue is in the attached brief.

Issue 1: The applicant contended a personality conflict with an officer resulted in inappropriate information **being** used to justify the General discharge. The Board carefully reviewed the file and the applicant's request for upgrade, but could find no evidence to support the contention. The Board concluded the misconduct described in the applicant's record warranted the General characterization.

CONCLUSIONS The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings, the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

1 Attachment
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF 92/06/03 UP AFR 39-10, para 5-47b (Misconduct - Pattern of Conduct Prejudicial to Good Order and Discipline). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 70/01/24. Enlmt Age: 17 8/12. Disch Age: 22 4/12. Educ: HS DIPL. AFQT: n/a M-88, A-68, G-55, E-65. PAFSC: 64550 - Inventory Management Specialist. DAS: 91/02/20.

b. Prior Sv: AFRes 87/10/22 - 88/09/01 (10 mos 10 days)(Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as: AB 88/09/01 for (6)Yrs. Svd: 3 Yrs 9 Mo 3 Das, all AMS.

b. Grade Status: A1C - 91/11/21 (ART 15, 91/11/21)
SRA - 91/02/18
A1C - 88/10/18

c. Time Lost: none.

d. Art 15's: (1) 91/11/21, Dover AFB, DE - In that, you did, at or near Dover AFB, between on or about 1 Sep 91 and on or about 31 Oct 91, steal a pair of climber boots, military property of a value of about \$58.55, the property of the United States Government. Rdn to A1C (susp til 20 May 92), forfeiture of \$100.00 of your pay per month for 2 months. (No appeal) (No mitigation).

e. CM: none.

f. Record of SV: 88/09/01. 90/04/30 Ramstein AB 4 (Initial)
90/05/01 91/06/27 Dover AFB 4 (Annual)


(Discharged from Dover AFB)

g. Awards & Dece: AFTR, NDSM, AFGCM, AFOSLTR, NCOPMER, SAEMR.

h. Stmt of Sv: TMS: (4) Yrs (7) Mos (12) Das
TAMS: (3) Yrs (9) Mos (3) Das

4. BASIS ADVANCED FOR **REVIEW**: Appln (DD Fm 293) dtd 97/06/17
(Change Discharge to Honorable)

Issue 1: Due to a personal conflict with a Senior Officer of my last squadron, he used information in my personnel file and UIF jacket that had already been removed from it to have unjustly discharged with a General (Under Honorable Conditions).

 97/07/15/ia

ATCRS

1. DD Form 149.



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 436TH AIRLIFT WING (MAC)

DOVER AIR FORCE BASE, DELAWARE 19902



REPLY TO
ATTN OF: 436 SUPS/CC

11 MAY 1992

SUBJECT: Notification Letter

TO: ALC [REDACTED], 436 SUPS

1. I am recommending your discharge from the United States Air Force for misconduct, specifically, conduct prejudicial to good order and discipline, according to AFR 39-10, under the provisions of paragraph 5-47b. If my recommendation is approved, your service will be Characterized as general or under other than honorable conditions. I am recommending that your service be characterized as general.

2. My reason for this action is your record of misconduct, which is set forth below:

Date	Incident	Action	Atch
2 Mar 91	Drunk and disorderly	LOR/UIF	1
3 May 91	Failure to go	LOR	2
7 Jun 91	Dishonored check	Verbal counseling	3
31 Oct 91	Larceny	Article 15	4
5 Feb 92 & 11 Feb 92	Failure to go	LOR	5
20 Feb 92	Failure to go	LOR/UIF	6
7 Apr 92	Failure to maintain standards	Record of individual counseling	7
22 Apr 92	Failure to obey a lawful order	Article 15 vacation action	a

Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force.

3. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the ADC at building 447, room 214, at 0900 hours on 12 May 1992. You may consult civilian counsel at your own expense.

Proud MAC-Support America Can Always Count On.


4. You have the right to submit **statements in your own behalf**. Any statements you want the separation authority to consider must reach me by 15 May 1992 unless you request and receive an extension for good cause shown. I will send them to the separation authority.

5. If you fail to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.




6. Because you received a medical examination on 5 May 1992, you will not be required to undergo a separation physical.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act Statement as explained in AFR 39-10, attachment 6. A copy of AFR 39-10 is available for your use in the 436 SUPS orderly room.

8. Execute the attached acknowledgement and return it to me immediately.


[Redacted], Maj, USAF
Commander, 436th Supply Squadron

9 Atchs

1. LOR, dated 6 Mar 91 w/atch:
 - a. AF Form 1058
 - b. DD Form 1569
 - c. AF Form 1169
 - d. AF Form 1168
2. LOR, dated 3 May 91
3. AAFES Form 7200-75
4. AF Form 3070, dated 21 Nov 91 w/atch:
 - a. Airman's rebuttal
 - b. MFR, SSgt 
 - c. MFR, SSgt 
 - d. Statement, SFA 
5. LOR, dated 18 Feb 92 w/atch:
 - a. MFR, dated 21 Feb 92
6. LOB, dated 25 Feb 92 w/atch:
 - a. AF Form 1058
7. AF Form 174, dated 10 Apr 92
8. AF Form 366, dated 4 May 92 w/atch:
 - a. Airman's rebuttal
 - b. MFR, dated 28 Apr 92
9. Airman's Receipt of Notification Letter